

**ORAL ARGUMENT NOT YET SCHEDULED****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA**


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CHAMBER OF COMMERCE OF THE )  
UNITED STATES OF AMERICA, ET AL., )

*Petitioners,* )

v. )

ENVIRONMENTAL PROTECTION )  
AGENCY, ET AL., )

*Respondents.* )

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CLEAN CAPE FEAR, ET AL., )

*Intervenors.* )

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No. 24-1193

Consolidated with

Nos. 24-1261, 24-1266,  
24-1271, 24-1272

**JOINT PROPOSED AMENDED BRIEFING SCHEDULE**

Pursuant to this Court's order of September 25, 2025 (Doc. No. 2136896),  
Petitioners Chamber of Commerce of the United States of America, Associated  
General Contractors of America, Inc., and National Waste & Recycling Association,  
American Chemistry Council, Institute of Scrap Recycling Industries, Inc. (d/b/a  
Recycled Materials Association, hereinafter "ReMA"), American Forest & Paper

Association, and American Fuel & Petrochemical Manufacturers (collectively, “Petitioners”); Respondents Environmental Protection Agency and Lee M. Zeldin, in his official capacity as Administrator, United States Environmental Protection Agency (“Respondents”); and Intervenor Clean Cape Fear, Environmental Justice Task Force, Fight for Zero, Merrimack Citizens for Clean Water, and Natural Resources Defense Council (“Intervenors,” together with Petitioners and Respondents, the “Parties”) hereby propose the amended briefing schedule below. In support of this motion, the Parties state as follows:

This lawsuit challenges a final rule issued by EPA titled, “Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances,” 89 Fed. Reg. 39124 (May 8, 2024) (“Final Rule”). Pursuant to this court’s prior scheduling order, Petitioners filed their opening brief on November 4, 2024, Respondents filed their brief on January 17, 2025, and Intervenor filed their brief on February 13, 2025.

Before briefing completed, on February 24, 2025, the Court granted EPA’s motion to hold the case in abeyance pending new EPA leadership’s review of the Final Rule. Doc. No. 2102403. EPA subsequently filed several motions to continue the abeyance, which this Court granted. *See, e.g.*, Doc. No. 2130679.

On September 17, 2025, EPA filed a motion to govern informing the Court that EPA decided to keep the Final Rule in place. Doc. No. 2135418. Recognizing

that the original deadlines for Petitioners' joint reply brief, the deferred appendix, and the Parties' final briefs had already passed, EPA proposed that the Parties submit an amended briefing schedule by September 30, 2025. *Id.* at 2.

On September 25, 2025, this Court granted EPA's motion to govern, setting a deadline for the Parties to file a proposed schedule for the remainder of briefing by September 30, 2025. Doc. No. 2136896.

Pursuant to that order, the Parties jointly propose the following schedule for the remainder of briefing:

- Petitioners' joint reply brief: November 14, 2025
- Deferred appendix: November 21, 2025
- All parties' final form briefs: December 5, 2025

This proposed schedule will allow Petitioners adequate time to respond to EPA's and Intervenor's response briefs, as well as account for counsel for Petitioners' other pre-planned professional and personal obligations. All parties agree to the proposed schedule.

For the foregoing reasons, the Parties jointly request that this Court adopt the proposed briefing schedule above.

Dated: September 30, 2025

Respectfully submitted,

/s/ Elbert Lin

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**CERTIFICATE OF COMPLIANCE AND SERVICE**

I certify that this filing complies with Fed. R. App. P. 27(d)(1)(E) because it uses 14-point Times New Roman, a proportionally spaced font.

I also certify that this filing complies with Fed. R. App. P. 27(d)(2)(A), because by Microsoft Word's count, it has 435 words, excluding the parts exempted under Fed. R. App. P. 32(f).

I also certify that on September 30, 2025, I caused a true and correct copy of the foregoing document to be filed via the Court's electronic-filing system, which will send electronic notification of such filing to all counsel of record in this action.

Dated: September 30, 2025

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